

1678.10479w

1 RANDALL E. WILLOUGHBY - 43177  
2 ELLYN E. NESBIT - 136398  
3 WILLOUGHBY, STUART & BENING, INC.  
4 50 W. San Fernando St., Suite 400  
5 San Jose, California 95113  
6 (408) 289-1972  
7 Facsimile: (408) 295-6375

5 | Attorneys for Petitioner  
**RONALD G. PRAY**

6

7

**IN THE UNITED STATES DISTRICT COURT**

**IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**

10 K. NARAS BHAT, individually and as  
11 trustee of Bhat and Bhat Insurance Trust  
and on behalf of all persons similarly  
situated,

No. 96-4627SI

**STIPULATION AND ORDER  
PERMITTING THE FILING BY  
RONALD G. PRAY ON SHORTENED  
TIME OF A MOTION/JOINDER IN  
MOTIONS TO ENFORCE FINAL  
ORDER AND JUDGMENT  
APPROVING CLASS ACTION  
SETTLEMENT AGREEMENT, AND  
TO ENJOIN STATE COURT ACTION  
BY ROBERT A. CHRISTOPHER,  
WILLIAM A. CHRISTOPHER AND  
DONALD C. CHRISTOPHER**

13

14 AMERUS LIFE INSURANCE  
15 COMPANY, et al.

#### **Defendants.**

## 18 | SHORTENING TIME AND COORDINATING HEARING DATE RE

**Hearing Date of Motions by AMERUS  
and PIERCE: December 15, 2006**

Time: 9:00 a.m.

Courtroom: 10

## Honorable Susan Illston

## **STIPULATION**

Defendant AmerUs Life Insurance Company, and petitioner Russell E. Pierce have filed motions seeking orders enforcing the Final Order and Judgment entered in this class action, and seeking an order enjoining the Christophers' state court action. The hearing on these motions is set for December 15, 2006. Ronald G. Pray plans to file a motion on the same issues, and to join in the AmerUs and Pierce motions.

7 The Christophers' counsel plans to file opposition to these motions. In the interest of  
8 judicial economy, these parties wish to coordinate a single hearing date for all of the  
9 motions. The Christophers' counsel has agreed that petitioner Ronald G. Pray may file a  
10 motion/joinder on shortened time so that all of the issues may be addressed in a single  
11 proceeding. Pray's motion/joinder is submitted concurrently with this Stipulation and  
12 proposed Order.

13 Counsel for Pray served its papers on the Christopher's counsel on November 20,  
14 2006. Counsel for the Christophers and Pray agree to the following schedule for further  
15 briefing:

- 16        1) The Christophers' opposition to Pray's motion/joinder must be filed on or before  
17 December 4, 2006.  
18        2) Pray's reply is due on or before December 12, 2006.

21 || DATED: November 20, 2006

WILLOUGHBY, STUART & BENING

By:

Ellyn E. Nesbit  
ELLYN E. NESBIT  
Attorneys for RONALD G. PRAY

1 DATED: November 20, 2006

FLYNN, ROSE & PERKINS

2  
3 By:

  
SUSAN D. PELMULDER  
4 Attorneys for the Christophers

5  
6  
7  
8 **ORDER**

9 **IT IS HEREBY ORDERED:**

- 10 (1) that Petitioner Pray is permitted to file his motion/joinder on shortened notice;  
11 and  
12 (2) the Christophers' opposition to Pray's motion/joinder must be filed on or  
13 before December 4, 2006. Pray's reply is due on or before December 12, 2006.

14  
15 Dated: December \_\_\_, 2006.

  
16 SUSAN ILLSTON  
17 United States District Court Judge

1 DATED: November 20, 2006

FLYNN, ROSE & PERKINS

2

3

By:

SUSAN D. PELMULDER  
Attorneys for the Christophers

4

5

6

7

8 **ORDER**

9

**IT IS HEREBY ORDERED:**

10 (1) that Petitioner Pray is permitted to file his motion/joinder on shortened notice;

11 and

12 (2) the Christophers' opposition to Pray's motion/joinder must be filed on or  
13 before December 4, 2006. Pray's reply is due on or before December 12, 2006.

14

15 Dated: December \_\_\_\_\_, 2006.

16

17

18 SUSAN ILLSTON  
United States District Court Judge

19

20

21

22

23

24

25

26

27

28